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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BARRY HALL, *et al.*,

Civil Action No. 07-05325 (JLL)

Plaintiffs,

v.

AT&T MOBILITY LLC f/k/a CINGULAR  
WIRELESS LLC, *et al.*,

**DECLARATION OF MITCH FARBER**

Defendants.

I, Mitch Farber, declare pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Mitch Farber. I am employed by AT&T Mobility LLC (“ATTM”) as its Executive Director of Strategy & Business Analysis. By virtue of my responsibilities in this position, I make this declaration based on personal knowledge and information I have learned in the course of performing my job responsibilities, and would testify competently to the matters stated herein if called upon to do so.

2. ATTM offers its customers access to its wireless network. That access is provided to customers through a wireless telephone number on a wireless telephone account, regardless of what device a customer uses to obtain that access. An ATTM wireless telephone

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account can contain multiple lines of service, with a separate wireless telephone number associated with each line of service. Each line of service can be used with any ATT M compatible wireless-enabled device. Accordingly, an account may contain multiple lines of service, each for a different types of ATT M compatible wireless-enabled device.

3. There are many different types of wireless-enabled devices that customers can choose to use in connection with the service that they purchase from ATT M. For example, customers can purchase a basic handset and choose to use voice only, or select a smartphone and use voice, email, and web browsing capabilities. Or, they can purchase a wireless device (sometimes referred to as an “air card”), that are used in connection with a laptop computer that facilitate email and internet access.

4. For a given line of service and associated wireless telephone number on an account, a customer is not limited to using the device the customer purchased when he first signed his service agreement for that line of service. ATT M compatible wireless-enabled devices contain an interchangeable “SIM card.” A SIM card is a specially programmed microchip that inserts in the device and which enables the device to communicate with ATT M’s wireless network. The wireless telephone number for a line of service is associated with the SIM card, not the device itself. ATT M does not have separate kinds of accounts depending on the type of device used by the customer, and a customer does not open up separate accounts to enable multiple lines of service using different types of devices. SIM cards allow users to easily switch their account information between other ATT M compatible wireless-enabled devices and immediately use the new device. A customer thus can remove the SIM card from a device, put it in a new device, and use the new device on ATT M’s wireless network. For example, a customer can remove the SIM card from one wireless handset and use it in another wireless

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handset. Or, a customer can remove the SIM card from a wireless data card device and use it in a wireless handset to make a voice phone call. In both examples, the customer can then switch the SIM card back to the original device and continue using the original device.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed this 30 day of April, 2010 at Atlanta, Georgia.



Mitch Farber